

PRIORITY

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FOREIGN SERVICE DESPATCH

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67

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FROM : AmEmbassy QUITO

TO : THE DEPARTMENT OF STATE, WASHINGTON.

August 12, 1960

DATE

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	8-15	RMR-2 IRC-7 90-4 CIA-10 USA-10 Navy 3 NSH-2

SUBJECT: STATEMENTS BY PRESIDENT AND FOREIGN MINISTER OF PERU-ECUADOR
BOUNDARY DISPUTE

On August 4, 1960, the Ecuadorean press published excerpts from the annual report to the National Congress of the Minister of Foreign Affairs, Carlos TOBAR Zaldumbide. On August 10, President Camilo PONCE Enríquez delivered his annual message to Congress. Both reports contained references to the Peru-Ecuador boundary dispute, and translations of these sections are enclosed.

Although the Ponce Administration will leave office August 31, and its views are therefore of limited interest, the Embassy thought this material worthy of submittal since the views of this government are probably as conciliatory as any Ecuadorean government is likely to have. The positions which the incoming Velasco administration will take on the boundary question may be similar or they may be more belligerent, but it is doubtful that they will be more moderate.

For the Chargé d'Affaires ad interim:

George Fleming Jones
Second Secretary

Enclosures:

1. Excerpt from Annual Report to Congress of the Minister of Foreign Affairs, 1960.
2. Excerpt from Annual Message to Congress of the President of Ecuador, August 10, 1960.

Copies sent to:

AmEmbassies BUENOS AIRES, LIMA, SANTIAGO, RIO
AmConGen GUAYAQUIL, Ecuador Desk Officer

GFJones:mls

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Enclosure 1

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EXCERPT FROM ANNUAL REPORT TO CONGRESS OF THE MINISTER OF FOREIGN AFFAIRS

As Published in El Comercio August 4, 1960

"Concerning the important boundary problem pending with Peru, in spite of an intense diplomatic activity, it can be affirmed that it has^{not} moved from the just and unobjectionable terms in which it was stated by Ecuador: the inapplicability /inejecutabilidad/ of the Protocol of Rio de Janeiro, in the Zamora-Santiago region, because of the non-existence of the geographic accident contemplated in Article VIII, section B, paragraph (1), of the Protocol of Rio de Janeiro of 1942.

"To this incontrovertible physical, geographic fact which, therefore, Foreign Ministries can neither deny nor change, Peru has invariably opposed the unacceptable argument that 'no problem exists' and that it is necessary to proceed to place the corresponding markers 'in the Cordillera del Cóndor'. Conflicts, however, do not disappear by means of mere unilateral declarations, contrary to an evident geographic reality, nor by means of an equally unilateral pretension to fix the boundary through a 'Cordillera Cóndor', to which not even the Protocol itself makes any reference whatsoever.

"It will be, then, necessary to conduct the problem through judicial and peaceful channels /por cauces jurídicos y pacíficos/ which may bring about a just and satisfactory solution, reestablishing the law and justice which support Ecuador in the area /sitial/ from which she should never have been aggressively displaced, by the intolerable work of force.

"And we must have confidence that, with the valuable collaboration of the illustrious Guarantor Countries of the Protocol of Rio de Janeiro: Argentina, Brazil, Chile, and the United States, to whom the Government of Ecuador renders its warm homage of recognition; and with the traditional spirit of justice that shapes our international policy, the formula can be found which will make possible the reign of an authentic solidarity, free from the shadows that still weigh on hemispheric relations as a consequence of lamentable breakdowns of the moral and legal principles that ought to sustain that same solidarity."

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EXCERPT FROM ANNUAL MESSAGE OF THE PRESIDENT OF ECUADOR TO CONGRESS
August 10, 1960

"And it would have been a pleasure for me to be able to announce in this Message the just termination of our territorial and boundary difference with the neighbor Republic of Peru, destined for many reasons to cooperate with us and to facilitate solutions of friendship on the basis of justice and right. The territorial history of Ecuador is a sad history of constant disintegration and shrinkage of its territory, in the face of the American proclamation of admirable principles: the 'Uti Possidetis Juris', the non-recognition of the validity of territorial conquest achieved by force, the condemnation of aggression, the validity of adequate legal titles.

"With the problem located under the jurisdiction of the Countries Guarantor of the Execution of the Protocol of Rio de Janeiro of 1942, Ecuador has received their suggestions and has always been disposed to cooperate in legal solutions; therefore, from the facts, the stalemate is in no manner the result of its guilt or omission. The present problem is the inapplicability of the Protocol. 'It is not a question,' I said a year ago, 'of the simple placing of some frontier markers... Ecuador does not defend absurd theses, but only a thesis founded in right, in justice, and in a sincere desire for American peace and comprehension. For Ecuador, the problem stems from the inapplicability of the Protocol of Rio, in the non-existence of a basic geographic accident foreseen by that document, and, finally, in the impossibility of fixing arbitrary markers, with evident prejudice to its territorial interests, to its sovereignty itself. Why, if the boundary line foreseen in a diplomatic instrument turns out not to exist, does one of the parties have to impose itself against the right of the other? ...Ecuador trusts now,' I underlined, 'as it always has trusted, in the conciliatory action of Argentina, Brazil, Chile and the United States of North America, Guarantor Countries of the Protocol of Rio, with whom it will collaborate closely in the search for and obtainment of some formula which, linked to the legal and the peaceful, will put an end to the more than hundred-year-old boundary question with the Republic of Peru.'

"Today I bring up to date some concepts and I reiterate the objective judgment that the first question, without whose solution it is impossible to make a forward step, is the geographic, physical question of the existence or non-existence of the 'Divortium Aquarum' of the Santiago and the Zamora, of the existence or non-existence of the interposed Fluvial System of the Cenepa. Ecuador has asked nothing else, and it is certainly simple, than the physical, technical verification. Unfortunately, Peru has refused to practice it. And Ecuador, which does not ask unjust interpretations or concessions, cannot renounce something so elemental as the geographic recognisance of the zone, the evidence of the senses as to whether or not the Protocol is executable. Almost anything can be argued about, but

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you can't argue against the tangible physical fact. At the end of my constitutional Mandate, I again insist on the premise on which I reported at its beginning and which has been the constant keynote of official Ecuadorean thinking: let's make the reconnaissance, with the assistance of the Guarantors, of the zone of the Canepe, between the Santiago and the Zamora, and really determine if the 'Divortium Aquarum' exists. This will bring the necessary light to the solution of the problem and there will not be any Ecuadorean or Peruvian Government which can change it. I hope sincerely that someday, perhaps soon, we will arrive at a conclusion of right and international harmony."

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